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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/162,645	09/28/1998	VESPUCCI B. TRAINI JR.	2392-981478	9084

7590 12/31/2002

WEBB ZIESENHEIM BRUENING  
LOGSDON ORKIN & HANSON  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH, PA 15219

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/162,645

Applicant(s)

TRAINI, VESPUCCI B.

Examiner

Thai Tran

Art Unit

2615

*M*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 September 1999 and 12 February 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 23-26 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

It is noted that claims 23-26 are dependent on the canceled claim 1.

### ***Double Patenting***

2. Applicant is advised that should claim 24 be found allowable, claim 26 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito ('010).

Regarding claim 18, Saito discloses a video recording device (Fig. 2) having a built-in audio source, comprising:

a video recorder (a disk drive unit 300 and a recording controller 400 of Fig. 1, col. 4, lines 41-54) having a record button (a video recording control button 604 of Fig. 2, col. 6, lines 4-25 or a shutter release button 16 of Fig. 2, col. 5, line 52 to col. 6, line 3);

a video camera (an image pickup-up system 100 of Fig. 1, col. 4, lines 24-33) in electronic communication with said record button and a video recording head (col. 4, lines 41-54 and col. 5, line 52 to col. 6, line 25);

a microphone (a microphone 202 of Fig. 1, col. 4, lines 33-40) in electronic communication with said recording button and an audio recording head (col. 4, lines 41-54 and col. 5, line 52 to col. 6, line 25); and

an audio activation switch (gates 512 and 516 of Fig. 1, col. 5, line 37 to col. 6, line 3) in electronic communication with said record button and said audio source.

Regarding claim 19, Saito also discloses the claimed wherein said audio source is in electronic communication with said microphone (col. 4, lines 24-40).

Regarding claim 20, Saito further discloses the claimed wherein said audio source is in direct electronic communication with said audio recording head (col. 4, lines 41-54).

Regarding claim 21, Saito discloses a video recording device (Fig. 2) having a built-in audio source, comprising:

a video recording assembly (an image pickup-up system 100, a disk drive unit 300, and a recording controller 400 of Fig. 1, col. 4, lines 24-54) including a video camera in electronic communication with a video recording head;

an audio assembly microphone (an audio receiver system 200, a disk drive unit 300, and a recording controller 400 of Fig. 1, col. 4, lines 24-54) including an audio source in electronic communication with an audio recording head; and

a record button (a video recording control button 604 of Fig. 2, col. 6, lines 4-25 or a shutter release button 16 of Fig. 2, col. 5, line 52 to col. 6, line 3) in electronic communication with said video and audio assemblies, said recording device configured such that when said audio source and video assembly are energized, activation of said record button simultaneously activates said audio source and said recording assembly to record an audio and video signal onto a storage device.

Regarding claim 22, Saito additionally discloses the claimed an audio power button (an audio recording control button 602 of Fig. 2, col. 5, line 52 to col. 6, line 25) in electronic communication with an audio source to energize and de-energize said audio source.

Regarding claim 23, Saito discloses the claimed an audio activation switch (gates 512 and 516 of Fig. 1, col. 5, line 37 to col. 6, line 3) in electronic communication with said record button and said audio source.

Regarding claim 24, Saito discloses the claimed a recorder microphone (a microphone 202 of Fig. 1, col. 4, lines 33-44) in electronic communication with said

audio source and said audio recording head (col. 4, lines 41-54 and col. 5, line 52 to col. 6, line 25).

Regarding claim 25, Saito discloses the claimed wherein said audio assembly includes an audio power button (an audio recording control button 602 of Fig. 2, col. 5, line 52 to col. 6, line 25) in electronic communication with said audio source and an audio activation switch (gates 512 and 516 of Fig. 1, col. 5, line 37 to col. 6, line 3) in electronic communication with said audio source.

Claim 26 is rejected for the same reasons as discussed in claim 24 above.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The cited references relate to video camcorder.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725.

The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
THAI TRAN  
PRIMARY EXAMINER